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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,848	05/12/2006	Blaise Rouleau	1200,744	2992
7590 Longacre & White 6550 Rock Spring Drive Suite 240 Bethesda, MD 20817				
07/28/2009				
EXAMINER				
DESAL, NAISHADH N				
ART UNIT		PAPER NUMBER		
2834				
MAIL DATE		DELIVERY MODE		
07/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/561,848

Applicant(s)

ROULEAU ET AL.

Examiner

NAISHADH N. DESAI

Art Unit

2834

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-15 and 18-20

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/Quyen Leung/
SPE, Art Unit 2834

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments regarding Claims 1 and 10 are not persuasive.

Regarding the 35 USC 112, second paragraph rejection is deemed proper since the elements (radial web, fan blade, metallic insert) are MOLDED together. It is not clear how the "metallic insert is disposed separate and apart from the fan blade" if they are molded together. Elements which are molded together are a single integral unit. There would have to be some kind of spatial gap / void/ space between the elements (which is not claimed) in order for them to be disposed separate and apart from each other. As noted by applicant that the definition of "apart" means that something would have to be "disunited", then it is still not clear how elements which are molded together can be "disunited". Molded elements touch and / or adjoin each other.

Regarding applicant's arguments for claims 1 and 10, Vasilescu teaches the use of a fan made of plastic (abstract lines 4-5). The fan includes the blades (abstract line 3). At least part of the fan blades are made of plastic (Col 8 ll 5-6 and abstract) or the blades can be made entirely of plastic (Col 2 ll 30-32, 38-40). Fig 10,67 shows the fan structure having a web onto which the blades are attached.

Regarding applicant's arguments that Abadia does not teach the use of a plastic web or a metallic insert are not persuasive. These limitations have been addressed by Vasilescu. Abadia clearly teaches the use of a sensors in different locations.

Applicant's arguments for claims 7 and 9, are not persuasive. Abadia clearly teaches that the target is magnetic (abstract line 3). Lopatinsky teaches the use of molding plastic with other elements.

Applicant's arguments for claim 13 are not persuasive. Examiner reminds applicant that the "powder pot" is made of epoxy resin (as noted in applicant's specification). Gold teaches the use of epoxy resin. It is well known in the art to use resin to attach wires.